

**Jail Overcrowding – A Serious Problem
Requiring Comprehensive Solutions**

Michigan Association of Counties
Annual Conference
August 19, 2003

**COURT JAIL CROWDING PREVENTION
AND RESPONSE CHECKLIST**

State Court Administrative Office

COURT JAIL CROWDING PREVENTION AND RESPONSE CHECKLIST

GENERAL

- Time Standards
 - Set goal to comply with time standards (90% of cases adjudicated within 91 days of bindover)
- Establish good data
 - Who's in jail
 - Who put them there
 - Why are they there (sentenced v. unsentenced)
 - How long will they be there
- Contact National Institute of Corrections (www.nicic.org)
 - Request free jail consultation
 - Consider grant proposals
- Give cases of incarcerated defendants priority in scheduling
 - Establish methods for differentiated scheduling
 - Establish criteria, i. e. felony vs. misdemeanor, etc.

PRETRIAL

- Bond Practices
 - Reasonable amounts set
 - Adequate information to judge at time of setting bond to determine need for incarceration
 - Credit cards accepted – other easy payment methods
 - Review cases after bond setting
 - Has bond been posted?
 - Can bond be adjusted?
- Time to Pretrial
 - Can time from arraignment to pretrial be expedited
 - Can pleas be taken earlier in the process
 - Can felony pleas be taken at the district court
 - Combine arraignment and pretrial into a single event
- Pretrial Alternatives
 - Tether or house arrest programs
 - Treatment programs in lieu of jail
- Evaluate Prosecutors' charging and plea bargaining practices
 - Encourage timely plea negotiation
 - Encourage thorough and realistic analysis of cases prior to charging
- Evaluate docket allocation
 - Are there enough judges assigned to criminal dockets
 - Do temporary changes in dockets need to be made to alleviate backlog

POST TRIAL

- Time to Sentence
 - PSI practices – can they be expedited
- Sentencing Practices
 - Reasonable in light of charge and criminal history
 - Evaluate individual judges use of jail beds
 - Determine any problematic trends
 - Consider a bed rationing program
 - Evaluate practices regarding probation violators

FUNDING UNIT ISSUES

- Schedule regular stakeholders meetings
 - Circuit judges
 - District judges
 - County commissioners
 - County administration
 - Court administration
 - Department of Corrections
 - Sheriffs
 - Prosecutors
 - Public Defenders
 - Defense Bar
 - Pretrial Services Dept
 - Community Corrections Dept
 - Mental Health Dept
- Grant Activity
 - Communicate with law enforcement regarding new grants that may affect jail use, e.g. domestic violence, drug enforcement
 - Become involved early to request that resources are planned for cost of jail use, and include in grant if possible
- Is jail facility adequate
- Is staffing at all levels of the criminal justice process adequate
 - court, psi services, jail, etc.
- Determine daily cost of incarceration for prisoners locally
 - Compare to cost of housing prisoners in other counties
 - Can this be used as an alternative to release and in lieu of building new jail space
- Public Relations
 - Communicate with public via media in advance of early releases or use of alternatives for re-assurance
 - Ensure that public is aware of resource needs for pretrial detention and sanctions

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**BEST PRACTICES IN MICHIGAN TRIAL
COURTS TO CONTROL JAIL
OVERCROWDING**

State Court Administrative Office

BEST PRACTICES IN MICHIGAN TRIAL COURTS TO CONTROL JAIL OVERCROWDING

Michigan Supreme Court Chief Justice Maura Corrigan recently convened chief judges from around Michigan to address the issue of jail overcrowding and resultant early releases triggered by imposition of the Jail Overcrowding Emergency Release Act. Key “lessons learned” by court leaders to effectively deal with this problem include:

Convening stakeholders

Jail facility population review

Maintaining constant collaboration/communication

Caseflow management

Effective media relations

Allocating scarce resources

Developing appropriate alternative sanctions

Technical Assistance

CONVENING STAKEHOLDERS

The chief judge of the circuit court is named in the Jail Overcrowding Emergency Act as the authority empowered to release persons from jail in the event of a formal emergency declaration. Because the Court is viewed as an honest broker, the Court's role as convener of policy makers to address a jail overcrowding problem is critical. Persons invited to participate in a jail overcrowding committee should include: the chief circuit judge, the chief district judge, the sheriff, the prosecuting attorney, the Public Defender's Office and/or a representative of the defense bar, the chair of the county board, the local manager of the State Department of Corrections, and a representative of local alternatives to incarceration programs. The purpose for meeting is to review jail population data on a regular basis and to identify policies, procedural changes, and programs that can alleviate jail crowding.

JAIL FACILITY POPULATION REVIEW

Information in a clearly understood format about who is in jail, for how long, and for what reason(s) is critical. This data should be gathered on a regular basis by jail administration for review by the local policy committee. In several jurisdictions, particular types of cases were identified as contributing to jail crowding; for example, probation violation cases, cases awaiting presentence investigation preparation, cases awaiting trial, cases wherein bond has not been posted, and cases awaiting placement in an alternative sanction facility. Once the causes of jail overcrowding have been identified, then strategies to address the problem can be developed , prioritized and implemented.

MAINTAINING CONSTANT COMMUNICATION/COLLABORATION

Jurisdictions that successfully control jail overcrowding understand that this problem has no single solution. Constant vigilance of the jail population and regular face to face meetings of the policy makers are required for success. Shared responsibility for alleviating jail crowding is important – the county board must understand that an adequate jail facility must be maintained; the judges must understand that the expensive resource of the jail must be utilized effectively for those requiring incarceration. Regular, candid communication can contribute to the shared vision that is required to address this serious problem.

CASEFLOW MANAGEMENT

Strong effective criminal caseload management, led by the Court can have a dramatic impact on jail overcrowding. Third Circuit Court in Wayne County set the goal of resolving criminal cases within 91 days of the bindover from district to circuit. Methods utilized to achieve this goal, which have resulted in a significant reduction in jail population over the past year:

- “Spin off” docket for trials using available judges
- Expedited felony plea process
- Pre-exam program operated by district court in cooperation with prosecutor

A pre-trial services program operated by the court can ensure that jail space is reserved for only those offenders presenting a risk of absconding prior to trial. Uniform standards are utilized during pre-trial screening to identify candidates eligible for safe pre-trial release. Supervision by probation staff can be accomplished so that jail capacity is not taxed with less serious pre-trial offenders.

EFFECTIVE MEDIA RELATIONS

Because jail overcrowding has become such a serious and recurring issue, media attention has become an important factor in solving the problem. Kalamazoo County policy makers have been proactive with the media by providing detailed information on characteristics of persons released during public release sessions. The goal is to engage citizens with the facts and real choices faced by judges in considering who should stay in the jail and who should be released. The release of inmates prior to the conclusion of their sentence is NOT the preferred solution. Therefore, policy leaders must plan ahead for the inevitable “mistake” – the released person who re-offends during the time he/she would otherwise have been incarcerated. Blame should not be placed; all interested parties need to assume collective responsibility for release decisions in the most effective way. The problem of jail overcrowding needs to be viewed as a serious public policy matter that requires comprehensive community-wide solutions; therefore the public should be involved in the development of solutions through the effective engagement of the media. If the expansion of programs and /or facilities becomes necessary, taxpayers will be affected either by increased taxes or by a reduction in services. Therefore, a long term strategy to include the media and the public should be maintained.

ALLOCATING SCARCE RESOURCES

Some jurisdictions facing chronic jail overcrowding have adopted a rationing of jail beds among the courts. This forces the local criminal justice policy makers to be accountable for bonding and sentencing practices to stay within the capacity of the local jail. As part of the settlement of a lawsuit regarding the conditions and practices in the Muskegon County Jail, the presiding judge in the case entered an order which allocates jail space among the local courts. The local chief judges have maintained that allocation plan even though the jail case is no longer active.

DEVELOPING APPROPRIATE ALTERNATIVE SANCTIONS

Effective intermediate sanctions which offer a range of sentencing alternatives to judges can be helpful in controlling jail overcrowding. However, in order to be effective, the threat (or reality) of jail must be present. Kalamazoo County has developed a range of diversion and alternative programs including: drug treatment court, pre-arraignment jail screening, intensive supervision, day reporting, community service, probation residential services, work release, electronic monitoring, and anger management. Further information is available through the Kalamazoo Criminal Justice Council (KCJC) at www.kcjc.org.

TECHNICAL ASSISTANCE

The National Institute of Corrections (NIC) has developed a variety of resources, many of which are available in PDF format @ www.ncic.org/pubs/jails.htm

Jail Crowding: Understanding Jail Population Dynamics. *Mark A. Cuniff, January 2002.* Provides a framework for analysis and planning to support effective criminal justice system oversight. Sections discuss how to identify factors behind jail crowding, key questions about bed space needs, trends underlying jail population growth, forecasting, and analytic processes and roles. 60 pp. Accession no. NIC-017209.

Guidelines for Developing a Criminal Justice Coordinating Committee. *Robert C. Cushman, January 2002.* Provides information for persons wishing to establish or strengthen a formal or informal criminal justice coordinating committee or to learn how they can alleviate jail crowding and accomplish other system improvements. Addresses initiating a committee, the range of activities it can undertake, organizational options, and benefits. 50 pp. Accession no. NIC-017232.

How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators. *Gail Elias, Voorhis Associates, Inc., September 1999.* This document explains statistical analysis and data collection procedures for jail personnel. Provides a step-by-step approach to identifying the information needed and information sources, preparing for data collection, implementing the collection effort, analyzing and interpreting the results, and sharing the information. 205 pp. Accession no. NIC-015580.

Prepared by James P. Hughes 7/15/03 utilizing Luis Sanchez's notes from Chief Justice Corrigan's meeting with Chief Judges 6/11/03

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KALAMAZOO COUNTY

**Chief Judge J. Richardson Johnson
9th Circuit Court**

From: Denise WILSON
To: STATS
Date: 7/23/03 5:58AM
Subject: DAILY STATS

J A I L P O P U L A T I O N

Wednesday July 23, 2003 336

ALTERNATIVE PROGRAM AVAILABILITY

PRETRIAL CASE MANAGEMENT SLOTS AVAILABLE	25	
ALCOHOL UNITS AVAILABLE	4	
TETHER UNITS AVAILABLE	5	
K-PEP WOMEN'S FACILITY AVAILABLE BEDS		5
K-PEP MEN'S FACILITY AVAILABLE BEDS	5	

KALAMAZOO COUNTY, MICHIGAN JAIL OVERCROWDING RELEASE PROCEDURE

COUNTY JAIL OVERCROWDING ACT Michigan Compiled Law 801.51 et seq

The County Jail Overcrowding Act establishes the procedure to reduce overcrowding of the county jail. The Act sets forth the responsibilities of the Sheriff and the Chief Judge of the Circuit Court to reduce jail overcrowding.

The Kalamazoo County Judges have developed a process to review and release sentenced prisoners from the Kalamazoo County Jail. This summary outlines the statutory process and the judges' agreement covering release of sentenced prisoners.

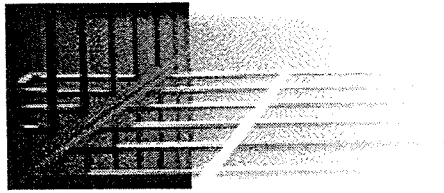
PROCESS FOR A REDUCTION OF THE SENTENCE OF SENTENCED JAIL INMATES

- Step 1. Certification of Overcrowding. The Sheriff provides a Jail Overcrowding Notification when the Kalamazoo County Jail has exceeded 100% of its rated design capacity for seven consecutive days. MCL 801.52.
- Step 2. Declaration of State of Emergency and Notice of State of Emergency. The Sheriff declares a County Jail Overcrowding State of Emergency. MCL 801.53. The Sheriff notifies the Chief Circuit Judge, the Chief District Judge, the Chairperson of the County Board of Commissioners, the County Prosecutor and the Chief Law Enforcement Official of each State, County and Municipal Law Enforcement Agency located in the County. MCL 801.54.
- Step 3. Attempts to Reduce Prisoner Population. Beginning with the Declaration of the County Jail Overcrowding State of Emergency, the Sheriff, Judges and other persons notified of the Declaration may use any available means within the scope of their individual and collective legal authority to reduce the prisoner population. MCL 801.55. Step 3 continues for 14 days from the Declaration of the County Jail Overcrowding State of Emergency. MCL 801.56(2).
- Step 4. Further Actions to Reduce County Jail Population - Interim Release. MCL 801.56. If the Step 3 efforts to reduce the jail population have not reduced the county's jail population to the mandatory level, the Sheriff will present to the Chief Circuit Judge a list of sentenced inmates who are nearing the end of their sentence. The list will include the name, the reason for incarceration, the sentence and the days remaining on the sentence. If a Judge has an objection to the release of an inmate that he or she has sentenced, the inmate will not be released. The Chief Circuit Judge will consider other objections in determining whether an inmate should receive a time cut. The memorandum and list will be provided to all County Judges, the Prosecutor, and the Probation Offices

serving each court. The list may also be provided to other persons and agencies. Within 24 hours of receiving the Sheriff's list, the Chief Circuit Judge will notify the jail of the candidates whose sentences may be reduced and immediately released.

If the interim release process has not reduced the County's jail population to the mandatory level, the Sheriff will provide a final list of prisoners eligible for sentence reduction. MCL 801.56(2)(3). The list will also be provided to the persons and agencies who received the list used for the interim release process. The Chief Circuit Judge will classify the prisoners into two groups: those, who if released, would present a high risk to public safety; and those, who if released, would not present a high risk to public safety. The Chief Circuit Judge will also determine the minimum and maximum percentage by which the sentences can be reduced.

- Step 5. Reduction of Prisoners' Sentences. If the processes undertaken during Step 4 have not reduced the County Jail's population to the mandatory level, the Sheriff will reduce the sentences of all prisoners as provided by the County Jail Overcrowding Act and provide notice of the end of the emergency. MCL 801.56, 801.57 and 801.59.



2002

Jail Overcrowding - Early Release Data

- Overview -

227 inmates released early
(12% had previously been released early)

- 3,265 total days cut from their sentences
(average of 13 days per inmate)
- Average # of previous criminal convictions: 4.4
- Average # of previous bookings at KCSD: 4.6
- 90% of the released inmates have been enrolled in
Alternative Programming
(an average of 3 opportunities in Alternative Programs)
- Total owed in child support: \$1.3 million
- 66% of those released early were re-arrested and/or
had new warrants issued
 - average # of days between early release and new arrest: 118
 - # of individuals re-arrested before their scheduled out-date: 7

2002

JAIL OVERCROWDING EARLY RELEASE SUMMARY

The average daily capacity of the jail has consistently exceeded the state's rated capacity of 327 for the last several years; the population averages 340-350 per day. The jail population has spiked as high as 384 in this year alone. Under State Statute, the inmate population at the Kalamazoo County Jail must be reduced to 317 when it has exceeded its capacity for a period of 38 consecutive days. The County Jail Overcrowding Act established a procedure to reduce overcrowding, which calls for the review of all sentenced inmates for potential early release. In 2002, constant overcrowding at the County Jail caused nine (9) early releases to occur.

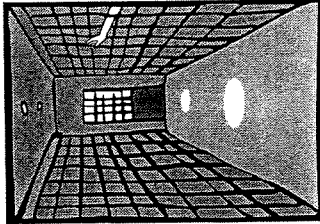
The only inmates who can be considered/reviewed for release under the overcrowding act are sentenced inmates. Sentenced inmates make up approximately 40% of the jail population. The primary offense for which they are considered for release (data on page 2) is the sentenced offense with the furthestmost date of release.

The data summarized here begins with total cases reviewed and then moves to those who were released. More specific information is then provided about those inmates that re-offended after being released early.

# of Sentenced Inmates Reviewed	# Housed out to another jail facility (rental beds)	# Released
January 31, 2002	55 (estimate)	January 31, 2002
February 7, 2002	43	February 7, 2002
February 13, 2002	47	February 13, 2002
February 20, 2002	122 (estimate)	February 20, 2002
March 20, 2002	124	March 20, 2002
June 26, 2002	123	June 26, 2002
August 28, 2002	120	August 28, 2002
November 20, 2002	119	November 20, 2002
December 18, 2002	98	December 18, 2002
TOTAL	851	TOTAL
		227
Total Days Cut from Sentence	Average Days Cut from Sentence - per inmate	Average # of previous criminal convictions
January 31, 2002	40	January 31, 2002
February 7, 2002	52	February 7, 2002
February 13, 2002	262	February 13, 2002
February 20, 2002	428	February 20, 2002
March 20, 2002	437	March 20, 2002
June 26, 2002	731	June 26, 2002
August 28, 2002	173	August 28, 2002
November 20, 2002	978	November 20, 2002
December 18, 2002	164	December 18, 2002
TOTAL	3,265	TOTAL AVERAGE
		4.44
		3.69
		3.26
		3.30
		7.45
		5.61
		5.83
		3.86
		3.32
		3.60
		4.44

Average # of previous bookings at KCSD

January 31, 2002	1.92
February 7, 2002	4.95
February 13, 2002	5.41
February 20, 2002	4.59
March 20, 2002	4.48
June 26, 2002	5.05
August 28, 2002	4.50
November 20, 2002	5.04
December 18, 2002	5.60
TOTAL AVERAGE	4.62



of inmates with previous early releases

		%
January 31, 2002	1	8%
February 7, 2002	0	0%
February 13, 2002	0	0%
February 20, 2002	4	13%
March 20, 2002	7	30%
June 26, 2002	5	13%
August 28, 2002	3	21%
November 20, 2002	7	14%
December 18, 2002	0	0%
TOTAL	27	12%

Primary Offense Type

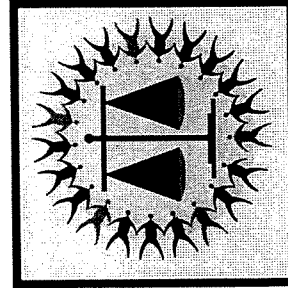
(for which they are incarcerated)

	Assaultive/	Violent	Drug Offenses	Child Support	Alcohol/Drunk Driving	Property	Criminal Sexual Conduct	Traffic	Other
January 31, 2002	0	4	0	3	2	0	0	2	2
February 7, 2002	8	2	2	4	2	0	0	0	1
February 13, 2002	5	7	4	1	8	0	0	1	1
February 20, 2002	2	8	11	2	6	0	0	0	2
March 20, 2002	6	4	6	2	2	0	0	1	2
June 26, 2002	4	9	12	1	7	1	1	3	3
August 28, 2002	1	3	5	2	1	0	0	2	0
November 20, 2002	6	5	19	6	7	0	0	5	2
December 18, 2002	1	0	2	1	4	0	0	1	1
TOTAL	33	42	61	22	39	1	15	14	

ALTERNATIVE PROGRAMMING

of Released inmates previously enrolled in Alternative Programming

	%
January 31, 2002	12 92%
February 7, 2002	17 89%
February 13, 2002	25 93%
February 20, 2002	31 100%
March 20, 2002	22 96%
June 26, 2002	35 88%
August 28, 2002	12 86%
November 20, 2002	43 86%
December 18, 2002	8 80%
TOTAL	205 90%



Average # of opportunities in Alternative Programs

January 31, 2002	2.62
February 7, 2002	3.58
February 13, 2002	3.63
February 20, 2002	3.45
March 20, 2002	4.17
June 26, 2002	3.15
August 28, 2002	2.29
November 20, 2002	3.02
December 18, 2002	1.67
TOTAL AVERAGE	3.06

FOC Cases

FOC inmates Released

January 31, 2002	1
February 7, 2002	1
February 13, 2002	3
February 20, 2002	15
March 20, 2002	7
June 26, 2002	12
August 28, 2002	5
November 20, 2002	19
December 18, 2002	2
TOTAL	65

Average # of FOC Bench Warrants

January 31, 2002	3.00
February 7, 2002	4.00
February 13, 2002	7.33
February 20, 2002	3.93
March 20, 2002	4.14
June 26, 2002	2.08
August 28, 2002	7.20
November 20, 2002	4.42
December 18, 2002	1.00
TOTAL AVERAGE	4.12

Average # of previous criminal convictions

January 31, 2002	5.00
February 7, 2002	3.00
February 13, 2002	3.50
February 20, 2002	7.20
March 20, 2002	1.71
June 26, 2002	5.17
August 28, 2002	7.00
November 20, 2002	3.63
December 18, 2002	1.50
TOTAL AVERAGE	4.19

Total Amount Owed

January 31, 2002	\$ 28,071.51
February 7, 2002	\$ 2.00
February 13, 2002	\$ 8.00
February 20, 2002	\$ 377,837.04
March 20, 2002	\$ 187,397.14
June 26, 2002	\$ 235,707.63
August 28, 2002	\$ 102,487.33
November 20, 2002	\$ 377,719.92
December 18, 2002	\$ 41,314.73
TOTAL	\$ 1,350,545.30

Total Amount Owed to State

January 31, 2002	\$ 14,412.42
February 7, 2002	\$ -
February 13, 2002	\$ 22,798.83
February 20, 2002	\$ 129,622.00
March 20, 2002	\$ 76,812.57
June 26, 2002	\$ 120,261.29
August 28, 2002	\$ 45,678.42
November 20, 2002	\$ 224,763.83
December 18, 2002	\$ 17,245.41
TOTAL	\$ 651,594.77

Total Amount Owed to Children

January 31, 2002	\$ 13,659.09
February 7, 2002	\$ 22,683.78
February 13, 2002	\$ 89,796.43
February 20, 2002	\$ 248,215.04
March 20, 2002	\$ 110,584.57
June 26, 2002	\$ 115,446.34
August 28, 2002	\$ 56,808.91
November 20, 2002	\$ 152,956.09
December 18, 2002	\$ 24,069.32
TOTAL	\$ 834,219.57

Average # of Children

January 31, 2002	4
February 7, 2002	4
February 13, 2002	7
February 20, 2002	1
March 20, 2002	3
June 26, 2002	2
August 28, 2002	3
November 20, 2002	2
December 18, 2002	1
TOTAL AVERAGE	3

Average # of FOC Cases

January 31, 2002	4
February 7, 2002	2
February 13, 2002	2
February 20, 2002	1
March 20, 2002	3
June 26, 2002	2
August 28, 2002	2
November 20, 2002	2
December 18, 2002	6
TOTAL AVERAGE	3

Most Amount Owed

January 31, 2002	\$ 28,071.51
February 7, 2002	\$ 22,683.78
February 13, 2002	\$ 54,545.48
February 20, 2002	\$ 91,197.54
March 20, 2002	\$ 102,451.78
June 26, 2002	\$ 36,213.76
August 28, 2002	\$ 56,617.49
November 20, 2002	\$ 66,823.94
December 18, 2002	\$ 12,123.46

Re-Arrest Information for Early Released Inmates

as of March 3, 2003

of Individuals arrested and/or new warrants issued since early release

	%
January 31, 2002	12
February 7, 2002	12
February 13, 2002	22
February 20, 2002	29
March 20, 2002	20
June 26, 2002	30
August 28, 2002	10
November 20, 2002	12
December 18, 2002	3
TOTAL AVERAGE	17

of Individuals with New Warrants

	%
January 31, 2002	8
February 7, 2002	8
February 13, 2002	9
February 20, 2002	12
March 20, 2002	13
June 26, 2002	19
August 28, 2002	6
November 20, 2002	7
December 18, 2002	1
TOTAL	83

of New Warrants issued

January 31, 2002	15
February 7, 2002	15
February 13, 2002	14
February 20, 2002	16
March 20, 2002	15
June 26, 2002	29
August 28, 2002	7
November 20, 2002	14
December 18, 2002	1
TOTAL	126

Average # of Warrants per Individual

January 31, 2002	3
February 7, 2002	2
February 13, 2002	2
February 20, 2002	1
March 20, 2002	1
June 26, 2002	2
August 28, 2002	1
November 20, 2002	2
December 18, 2002	1
TOTAL AVERAGE	2

of Individuals Arrested

	%
January 31, 2002	4
February 7, 2002	4
February 13, 2002	13
February 20, 2002	17
March 20, 2002	7
June 26, 2002	11
August 28, 2002	4
November 20, 2002	5
December 18, 2002	2
TOTAL	67

of New Arrests

January 31, 2002	5
February 7, 2002	5
February 13, 2002	23
February 20, 2002	35
March 20, 2002	11
June 26, 2002	13
August 28, 2002	5
November 20, 2002	7
December 18, 2002	2
TOTAL	106

Average # of Arrests per Individual

January 31, 2002	3
February 7, 2002	2
February 13, 2002	2
February 20, 2002	2
March 20, 2002	2
June 26, 2002	1
August 28, 2002	1
November 20, 2002	1
December 18, 2002	1
TOTAL AVERAGE	2

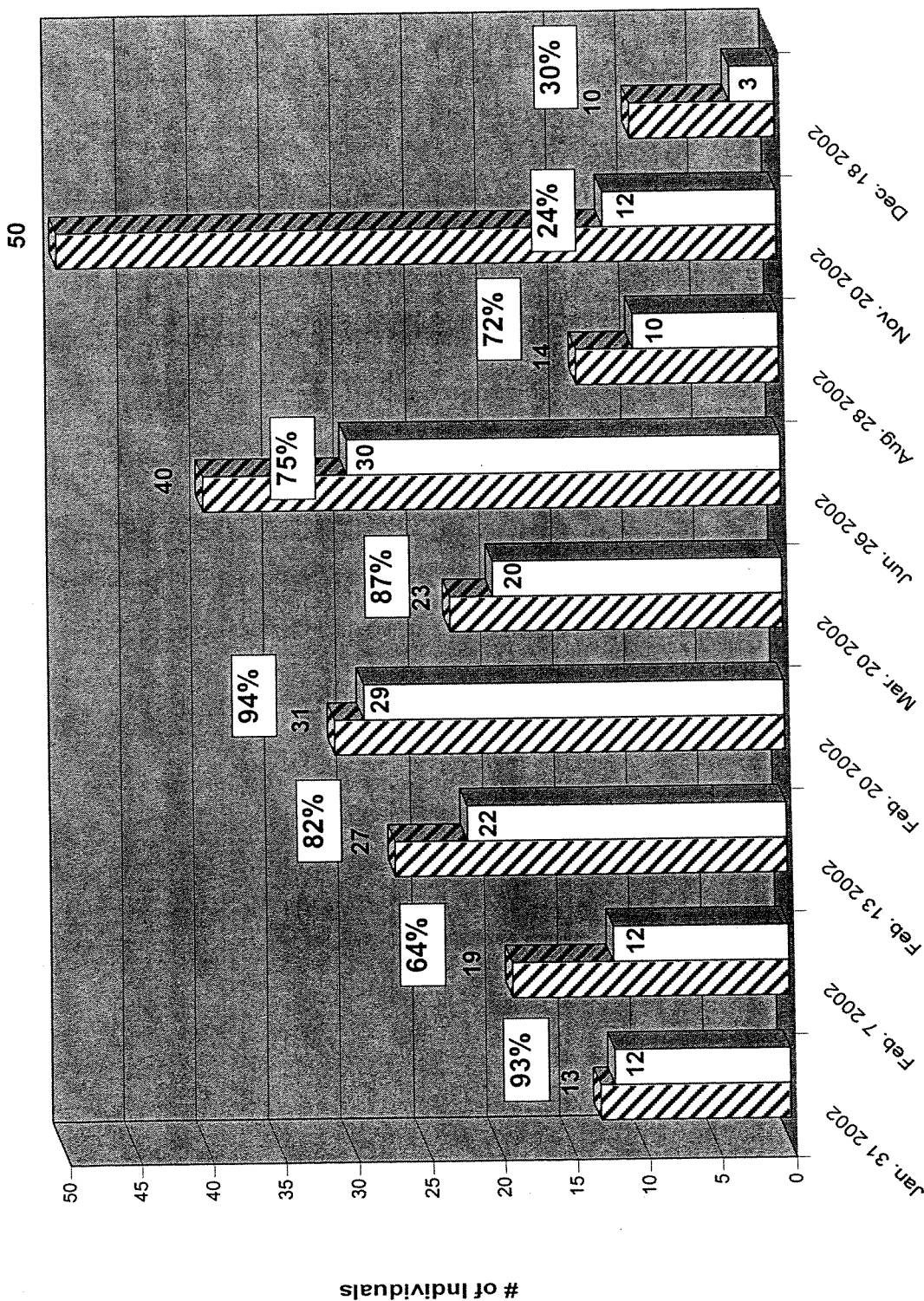
Re-Arrested before scheduled out date

January 31, 2002	0
February 7, 2002	0
February 13, 2002	2
February 20, 2002	0
March 20, 2002	0
June 26, 2002	1
August 28, 2002	0
November 20, 2002	3
December 18, 2002	1
TOTAL	7

Average # of days between early release and new arrest

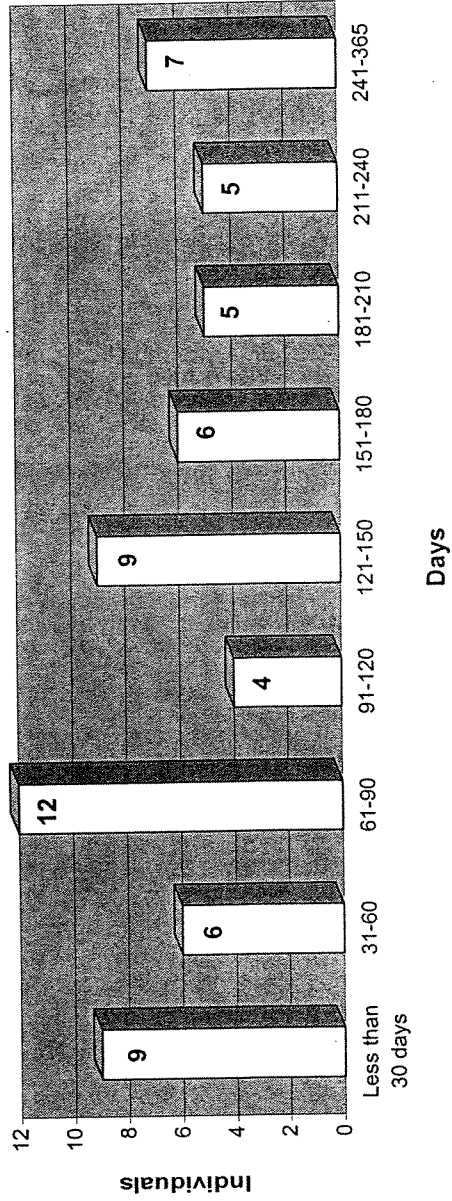
January 31, 2002	146
February 7, 2002	158
February 13, 2002	125
February 20, 2002	158
March 20, 2002	154
June 26, 2002	121
August 28, 2002	117
November 20, 2002	37
December 18, 2002	42
TOTAL AVERAGE	118

of Inmates released early and # Re-Arrested/Warrants issued since release

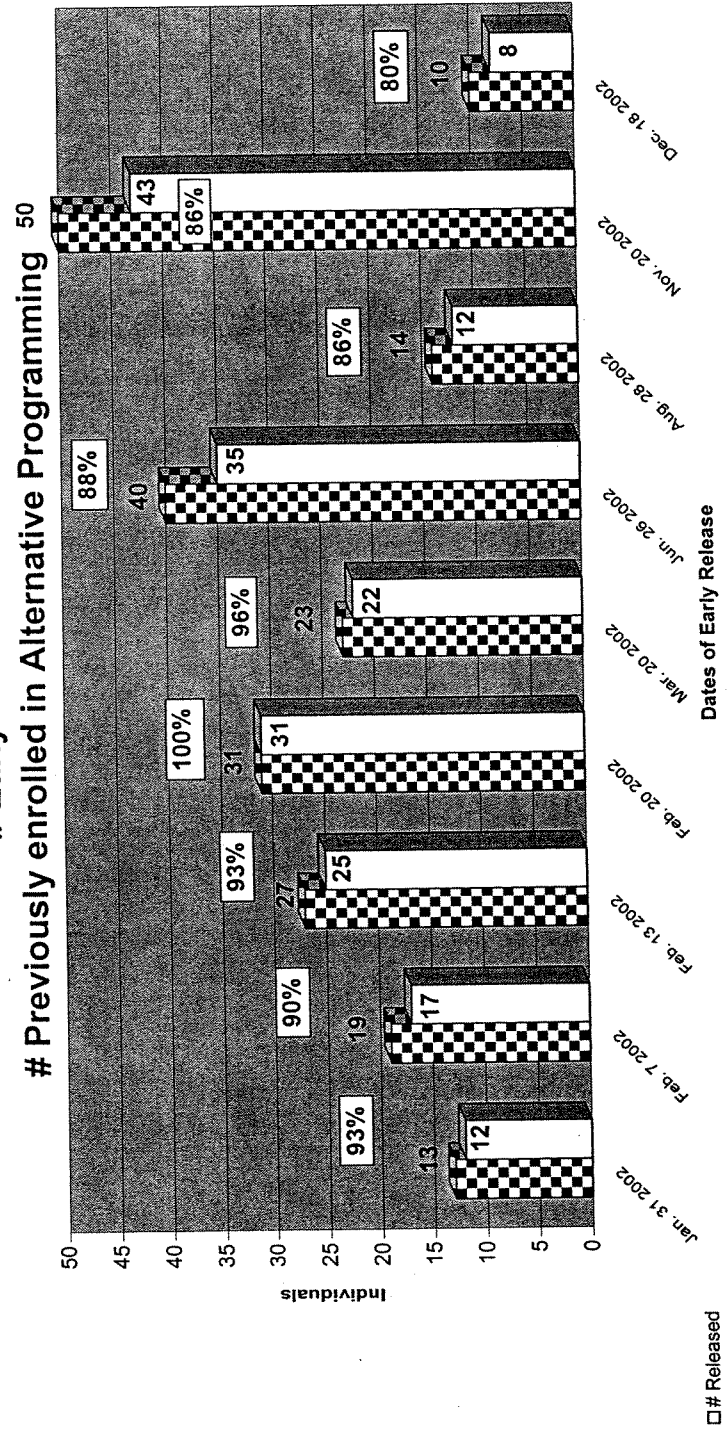


Released
of Individuals arrested and/or new warrants issued since early release

Days Between Early Release and Re-Arrest

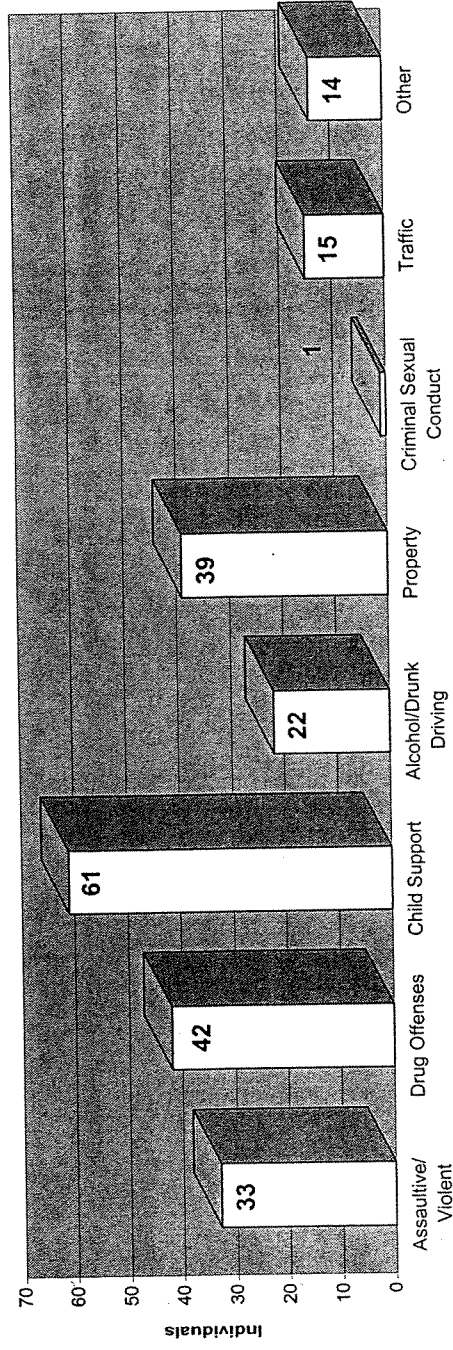


Early Released and # Previously enrolled in Alternative Programming



□ # Released
 □ # of Released Inmates previously enrolled in Alternative Programming

Primary Offense Type



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MISSAUKEE - WEXFORD COUNTY

**Chief Judge Charles D. Corwin
28th Circuit Court**

COMMUNITY CORRECTIONS
Counties of Wexford and Missaukee
401 North Lake Street, Cadillac, MI 49601
(231) 779-9472 * FAX (231) 779-9102

LINDA McGRATH

COORDINATOR

WEXFORD COUNTY

COMMUNITY CORRECTIONS
28th CIRCUIT COURT
FELONY PARTICIPATION
10/01/02 THRU 06/30/03

Life Skill (CSC Group)	3
Community Service	4
Early Release	1
Moral Recognition Therapy	30
Preliminary Breath Test	4
Probation Residential Services	36
Pretrial	11
Relapse Prevention	1
Intensive Outpatient	1
Out Patient	5
Residential Treatment	7
Tether	54
Drug Test	49
Transition House Intensive Supervision	28
Transition House	7
TOTAL	241

COMMUNITY CORRECTIONS
Counties of Wexford and Missaukee
401 North Lake Street, Cadillac, MI 49601
(231) 779-9472 * FAX (231) 779-9102

LINDA McGRATH

COORDINATOR

WEXFORD AND MISSAUKEE COUNTIES

Community Corrections started in Wexford and Missaukee Counties in 1991

<u>Fiscal Year</u>	<u>Bed Days Saved</u>
1991-1992	5,090
1992-1993	11,206
1993-1994	17,359
1994-1995	20,100
1995-1996	14,115
1996-1997	14,686
1997-1998	19,157
1998-1999	17,782
1999-2000	21,795
2000-2001	21,424
2001-2002	18,206
2002-2003	11,966 to date

COMMUNITY CORRECTIONS
Counties of Wexford and Missaukee
401 North Lake Street, Cadillac, MI 49601
(231) 779-9472 * FAX (231) 779-9102

LINDA McGRATH

COORDINATOR

WEXFORD COUNTY

Community Corrections started in Wexford County in 1991

<u>Fiscal Year</u>	<u>Bed Days Saved</u>	<u>Offenders Enrolled in Inpatient Treatment</u>	<u>Offenders Enrolled on Tether</u>
1991	1,144	2	6
1991-1992	4,367	9	61
1992-1993	9,423	16	82
1993-1994	13,827	32	88
1994-1995	14,259	21	109
1995-1996	11,270	34	116
1996-1997	12,513	34	128
1997-1998	16,888	37	159
1998-1999	14,484	37	135
1999-2000	17,196	38	175
2000-2001	18,260	43	205
2001-2002	15,533	43	126
2002-2003 to date	9,465	38	99
Total	158,629	384	1,489

The bed days saved include Community Service, Tether, Treatment, THIS Program, Transition House, and SWD.



WEXFORD COUNTY SHERIFF DEPARTMENT

Gary A. Finstrom
Sheriff

Fred A. Harris
Undersheriff

<u>YEAR</u>	<u>AVERAGE DAILY INMATE HEADCOUNT</u>	<u>NUMBER OF OUT OF COUNTY BOARDERS</u>	<u>OUT OF COUNTY INMATE BOARDING COSTS</u>
1990		10	\$ 2,607.54
1991	35	25	\$ 5,755.00
1992	37	12	\$ 3,570.00
1993	40	40	\$ 26,061.67
1994	51	182	\$138,364.99
1995	43	106	\$ 52,630.69
1996	52	178	\$134,241.00
1997	49	150	\$125,249.25
1998	59	204	\$254,339.45
1999	58	179	\$230,171.23
2000	61	227	\$254,734.77
2001	80	412	\$382,880.70
2002	66	326	\$271,727.67
2003	72 (to date)	175 (to date)	\$ 64,831.95 (to date)

Maximum capacity at the Wexford County Jail is 32 inmates.

**Jail Overcrowding – A Serious Problem
Requiring Comprehensive Solutions**

Michigan Association of Counties
Annual Conference
August 19, 2003

WAYNE COUNTY

**Chief Judge Timothy M. Kenny
and
Chief Judge Pro Tem Pamela Harwood
3rd Circuit Court**

**3rd Circuit Court: An Approach
to the Jail Overcrowding Problems**

**Commissioner Bernard Parker
600 Randolph, Suite 450
Detroit, Michigan 48226
(313)224-0882**

**Chief Judge Timothy M. Kenny
1441 St. Antoine, #302
Detroit, Michigan 48226
(313) 224-5170**

August 19, 2003

Wayne County's recent successful efforts to deal with jail overcrowding required a commitment from county, court, and criminal justice officials. Wayne County's experience revealed that the following were essential ingredients to a successful program:

1. Establish a jail overcrowding review committee that includes all stakeholders.
2. Develop ambitious yet reachable goals for reduction of jail overcrowding. Goals should have realistic achievement timetables.
3. Utilize small committees to work on specific problems (e.g. timely processing of parole and probation violators.)
4. Provide accurate jail status statistical information to the jail overcrowding review committee on a regular basis (e.g. monthly) . See appendix A & B.
5. Conduct meetings on a regular basis to assess progress.

The Wayne County Jail overcrowding reduction efforts were achieved through the sustained commitment of the following participants:

- 1) 3rd Circuit Court
- 2) 36th District Court
- 3) Wayne County Sheriff's Department
- 4) Wayne County Prosecutor's Office
- 5) Defender's Office and Defense Bar
- 6) Third Circuit Court Pre-Trial Services
- 7) Michigan Department of Corrections
- 8) Department of Community Justice
- 9) Wayne County Board of Commissioners
- 10) Wayne County Department of Mental Health

The involvement of the above-mentioned participants has resulted in the following change in pre-trial releases:

2002: Monthly Releases

March	-	296
April	-	331
May	-	262
June	-	114
July	-	122
Aug	-	99
Sept	-	104
Oct	-	40
Nov	-	0
Dec	-	0

2003: Monthly Releases

Jan	-	0
Feb	-	0
Mar	-	0
Apr	-	0
May	-	0
June	-	0
July	-	0

PRE-EXAM PROGRAM

The 3rd Circuit Court and the 36th District Court entered into a collaborative effort that eliminated the need for over 4,700 preliminary examinations in 2002. This effort streamlined the processing of thousands of "low-end" felony cases resulting in a swifter disposition of cases and placement of defendants in treatment programs and/or probation. The cases processed in the pre-exam program are cases with sentencing guidelines of 0-12 months, and normally cases involving police, complainants and witnesses. The cases involve many defendants who have substance abuse problems and who are considered to be prison "lock-outs" based upon their sentencing guidelines.

In short, the pre-exam program works as follows:

- 1) At the arraignment on the warrant in the 36th District Court, cases identified by the Prosecutor's Office for the pre-exam program are given a pre-exam conference date for seven (7) days after the arraignment.
- 2) Counsel for indigent defendants are appointed within 1-2 days of the arraignment on the warrant.
- 3) Defense Discovery packets are immediately available from the Prosecutor's Office.
- 4) The Prosecutor will have a plea offer at the time of the pre-exam conference.
- 5) Two (2) judges are specially designated to hear pre-exam cases. The judges will accept a waiver of preliminary examination, conduct an arraignment on the information, and take a plea at the same court appearance. This saves the police the expense of producing officers at a later preliminary exam, and saves the court the expense of paying counsel for multiple court appearances.
- 6) Bond reviews for jailed pre-exam defendants are conducted. Those defendants who plead, frequently get placed in substance abuse programs, get placed on a tether, or receive a lower bond (if probation appears to be the likely sentence).

PRE-TRIAL SERVICES

The 3rd Circuit Court's Pre-Trial Services section provides a valuable service to the 36th District Court and the 3rd Circuit Court. The section provides:

- 1) Background checks and sentencing guideline calculations for the 36th District Court magistrate.
- 2) Bond recommendations including tether, substance abuse programs, etc.
- 3) Bond reviews and recommendations to 3rd Circuit Court Judges.

SENTENCING

In an effort to reduce the length of jail stay, the 3rd Circuit Court has worked out the following sentencing schedule changes with the Department of Corrections:

- 1) Pre-Sentence reports on jailed defendants are available Ten (10) business days after conviction.
- 2) "PSI Case Reports" are prepared for jailed defendants who violated their probations less than two (2) years after sentencing. These updated pre-sentence reports are available five (5) days after the probation violation convictions are entered.
- 3) Every week, all Criminal Division Judges are provided with a list of their jailed defendants who have been incarcerated for more than fourteen (14) days awaiting sentence. The list is monitored by the Chief Judge and corrective efforts are made to advance sentencing dates. (See Appendix C)

PROBATION VIOLATORS

In 2002, probation violators accounted for a sizeable portion of the Wayne County Jail population. In an effort to process violation warrants quickly and reduce the number of violators in the jail, the following efforts were made:

- 1) All defendants arrested on probation violation warrants before 2:00 p.m. are taken to court that day. Those arrested after 2:00 p.m. are taken to court the following business day.
- 2) Those defendants remanded to the County Jail after being held in violation of their probations, frequently receive updated pre-sentence reports ("PSI Case Reports") within five (5) business days.
- 3) The 3rd Circuit Court is experimenting with the expanded use of show-cause hearings for those whose violations are likely to result in continued but modified probation (e.g., failure to pay costs, failure to enroll in GED, positive marijuana test).
- 4) Those probation violators who are sentenced to MDOC are immediately shipped there by the Sheriff.

PAMELA R. HARWOOD
CHIEF JUDGE PRO TEMPORE



(313) 224-5436
FAX (313) 224-6070

1401 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

MEMORANDUM

TO: The Criminal Division Bench
FROM: Chief Judge Pro Tem Pamela R. Harwood *Pam*
DATE: July 10, 2002
RE: Caseflow Update

In case you missed some of the meetings, I want to reiterate what we are doing and why. Also, and maybe most importantly, I want you to know where we will end up and when we expect to attain our goal.

THE GOAL - To process cases in conformance with the 1991 time standards which when adopted, were based on Recorder's Court standards. Basically, they require us to resolve cases within 91 days of the bind-over. I have attached a copy of the guidelines.

WHY - So that we will, once again, be the best high-volume, urban court in the country. Changes are also underway in the other divisions so that we will be meeting all of the time standards applicable to our court.

HOW - By each judge scheduling trials within 91 days of the bind over. This will result in additional cases being set and will create scheduling conflicts for a finite period of time. This bulge in the number of cases scheduled for trial is often called the "Pig in the Python." We will resolve these cases by spinning them to an available judge after efforts have been made to plead the case. Also, the additional CAYMC judges will remain on the criminal docket until the pig is gone. **Please schedule all cases for trial within 91 days of the bind over.** Starting now, cases scheduled beyond this time period will be rescheduled. If you find a case that you believe can't be scheduled within this time period, please call or e-mail me so that we don't reschedule the case. I am in Linda Davis' office each morning Monday-Thursday to help resolve trial conflicts. You can reach me there or in the afternoon at CAYMC.

WHEN - If we all schedule correctly, we expect the bulge to be worked through the system by **October 15, 2002**. At that time, we will be in compliance with the time standards and will have fewer pending cases in the court. Any effect our

caseflow plan is having on jail releases will also necessarily be eliminated at that time.

THANK YOU - Every judge I have called to take a case since we started has helped out. We can't miss with this level of effort.

PRH/rb

cc: Chief Judge Mary Beth Kelly
Chief Judge Timothy Kenny

APPENDIX "A"**JUNE 2003
JAIL FACILITY CENSUS**

DATE	LEGAL CAP	AM COUNT	BOOKINGS	DISCHARGES	M	F	TOTAL	PM COUNT
06/01/2003	1885	1715	30	8	no	cond	rel's	1707
06/02/2003	1885	1739	99	124	no	cond	rel's	1615
06/03/2003	1885	1710	84	108	no	cond	rel's	1602
06/04/2003	1885	1677	89	101	no	cond	rel's	1575
06/05/2003	1885	1657	75	81	no	cond	rel's	1576
06/06/2003	1885	1658	82	82	no	cond	rel's	1576
06/07/2003	1885	1648	38	8	no	cond	rel's	1640
06/08/2003	1885	1659	24	6	no	cond	rel's	1653
06/09/2003	1885	1699	93	111	no	cond	rel's	1586
06/10/2003	1885	1675	92	72	no	cond	rel's	1603
06/11/2003	1885	1697	91	94	no	cond	rel's	1603
06/12/2003	1885	1688	97	106	no	cond	rel's	1582
06/13/2003	1885	1686	86	102	no	cond	rel's	1584
06/14/2003	1885	1667	45	21	no	cond	rel's	1644
06/15/2003	1885	1684	28	7	no	cond	rel's	1677
06/16/2003	1885	1712	97	111	no	cond	rel's	1601
06/17/2003	1885	1688	77	86	no	cond	rel's	1602
06/18/2003	1885	1683	85	96	no	cond	rel's	1587
06/19/2003	1885	1664	74	87	no	cond	rel's	1577
06/20/2003	1885	1647	65	85	no	cond	rel's	1562
06/21/2003	1885	1630	43	7	no	cond	rel's	1623
06/22/2003	1885	1665	42	1	no	cond	rel's	1664
06/23/2003	1885	1718	76	95	no	cond	rel's	1623
06/24/2003	1885	1694	83	87	no	cond	rel's	1607
06/25/2003	1885	1690	66	96	no	cond	rel's	1594
06/26/2003	1885	1646	92	101	no	cond	rel's	1545
06/27/2003	1885	1635	60	73	no	cond	rel's	1561
06/28/2003	1885	1627	33	7	no	cond	rel's	1620
06/29/2003	1885	1646	31	4	no	cond	rel's	1642
06/30/2003	1885	1671	89	89	no	cond	rel's	1582

TOTALS**2066****2056****0****0****0**

FEMALE MINIMAL CONDITION REL'S = 0
MALE MINIMAL CONDITION REL'S = 0

FEMALE CONDITIONAL REL'S = 0
MALE CONDITIONAL REL'S = 0



DARRYL D. FORDHAM
DIRECTOR OF JAIL OPERATIONS

APPENDIX "B"

MONTHLY COMPARISON RELEASE TYPE AS % OF TOTAL RELEASES

MARCH	1841	1718	149	8.0	1867	444	23.8	197	10.8	105	5.8	165	8.8	48	2.6	59.4
APRIL	1881	1737	175	9.2	1912	430	22.5	213	11.1	139	7.3	139	7.3	42	2.2	59.6
MAY	1825	1754	189	9.7	1943	450	23.2	199	10.2	134	6.9	165	8.5	26	1.3	59.8
JUNE	1641	1466	167	10.2	1633	436	26.7	185	11.3	107	6.6	160	9.8	24	1.5	66.1
JULY	1761	1589	215	11.9	1804	408	22.6	207	11.5	126	7.0	175	9.7	44	2.4	65.1
AUG	1904	1697	228	11.8	1925	400	20.8	236	12.3	134	7.0	153	8.0	54	2.8	62.7
SEP	1733	1594	183	10.3	1777	462	26.0	207	11.6	130	7.3	183	10.3	41	2.3	67.8
OCT	1801	1723	206	10.6	1929	459	23.8	205	10.6	174	9.0	216	11.0	29	1.5	67.5
NOV	1506	1378	202	12.8	1580	392	24.8	193	12.2	136	8.8	162	10.3	29	1.8	70.5
DEC	1558	1428	162	10.1	1590	379	23.8	221	13.9	175	11.0	178	11.1	40	2.6	72.4
JAN	1585	1444	224	13.4	1668	357	21.4	194	11.6	189	11.3	188	11.2	43	2.8	71.5
FEB	1417	1364	218	13.7	1582	324	20.4	178	11.3	143	9.0	159	10.0	33	2.0	66.4
MAR	1657	1440	161	10.0	1601	424	26.4	181	11.3	167	10.4	154	9.8	30	1.9	69.6
APR	1604	1531	142	8.5	1673	372	22.2	220	13.1	161	9.8	198	11.8	41	2.5	67.7
MAY	1782	1633	199	10.9	1832	361	19.7	244	13.3	288	15.7	139	7.5	37	2.0	69.1

Conditional Releases

Mar	296	15.90%
Apr	331	17.30%
May	262	13.50%
Jun	114	7.00%
Jul	122	6.80%
Aug	99	5.80%
Sep	104	5.80%
Oct	40	2.10%
Nov	0	0%
Dec	0	0%

2003

Jan	0	0%
Feb	0	0%
Mar	0	0%
Apr	0	0%
May	0	0%

* Booking and discharge amounts reduced by parole violators, US Marshal, INS, Friend of the Court.

APPENDIX "C"

DATE: 8/04/2003
PROGRAM: RSENAT2

SCHEDULED SENTENCES FOR JUDGES - CRIMINAL DIVISION
FOR JUDGE: HATHAWAY, CYNTHIA, GRAY

PAGE: 1

DAYS	NEXT DATE	CASE NO.	SPX	CHARGE	CHARGE DESC	DEFENDANT NAME	JAIL	LAST DATE	CODE	JUDGE
17	2003/06/14	*01002174	01	750529	R/A		WCJ	2003/07/28	SE	HATHAWAY, C
20	2003/07/31	*02014890	01	75083	ASLT W/ MFD		WCJ	2003/07/11	DK	HATHAWAY, C
21	2003/08/12	*03005264	01	750316-A	MURDER 1ST		WCJ	2003/07/22	TJ	HATHAWAY, C
22	2003/08/12	03005456	01	33374032A5	POS/CNBE-25		WCJ	2003/07/21	TJ	HATHAWAY, C

NOTE: * DENOTES CAPITAL CASE

Exhibit C -- Pre-Trial Felons Released due to Jail Overcrowding

